

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO**

**BROOK NEF, ET AL**

**PLAINTIFF,**

**VS.**

**ENGINE COMPONENTS, INC, ET AL**

**DEFENDANT.**

**CASE No. 04-362-E-BLW**

**NOTICE OF AVAILABILITY OF A  
UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION  
AND REQUIREMENT FOR CONSENT**

In accordance with United States District Court for the District of Idaho General Order #159, and Fed.R.Civ.P. 73, you are notified that a United States Magistrate Judge of this district court is available to conduct any or all proceedings in this case, including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a United States Magistrate Judge is available only if all parties file a written consent, a copy of which is included in this notice.

You may without adverse substantive consequences withhold your consent. No judge shall be informed of a party's response to the clerk's notification, unless all parties have consented to the referral of the matter to a United States Magistrate Judge. The decision of the parties shall be communicated to the Clerk of Court.

An appeal from a judgment entered by a United States Magistrate Judge will be directly to the United States Circuit Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this district. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

If you wish to consent to this matter being handled by a United States Magistrate Judge, please sign this form and return it to the address at the bottom of this form. If all parties do not consent to the exercise of jurisdiction by a United States Magistrate Judge prior to the Rule 16.1 Scheduling Conference, this matter will not be reassigned.

**NOTE:** All consents and requests for reassignment should be sent to:  
**Jeanie Loera, Deputy Clerk, U.S. District Court, 550 West Fort Street, Boise, ID 83724.**

**CAMERON S. BURKE, CLERK OF COURT**

*Wendy Messer*  
By Deputy Clerk

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signature

Date

United States District Court  
for the  
District of Idaho  
August 13, 2004

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 4:04-cv-00362

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Howard D Burnett, Esq.  
HAWLEY TROXELL ENNIS & HAWLEY  
PO Box 100  
Pocatello, ID 83204

\_\_\_\_ Chief Judge B. Lynn Winmill  
\_\_\_\_ Judge Edward J. Lodge  
\_\_\_\_ Chief Magistrate Judge Larry M. Boyle  
\_\_\_\_ Magistrate Judge Mikel H. Williams

Visiting Judges:


\_\_\_\_ Judge David O. Carter  
\_\_\_\_ Judge John C. Coughenour  
\_\_\_\_ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date:

8-13-04

BY:

  
(Deputy Clerk)